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POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

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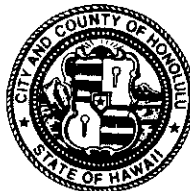
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FCC - MAILROOM

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MAYOR



LEE D. DONOHUE
CHIEF

GLEN R. KAJIYAMA
PAUL D. PUTZULU
DEPUTY CHIEFS

OUR REFERENCE HL-CS

April 28, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch

SUBJECT: RM-10865/DA No. 04-700
Comments on the CALEA Petition for Rulemaking

The Honolulu Police Department is entrusted with the protection of the people of the island of Oahu. We belong to the Major Cities Chiefs Association, which represents law enforcement in the 54 largest cities in the United States.

The Honolulu Police Department strongly supports the petition submitted by the U.S. Department of Justice (DOJ), Federal Bureau of Investigation (FBI), and the U.S. Drug Enforcement Administration (DEA) in the Joint Petition (Petition) filed on March 10, 2004, before the Federal Communications Commission (FCC) requesting that the FCC immediately resolve various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act (CALEA).

In 1994, Congress enacted CALEA to ensure that law enforcement has the ability to conduct authorized wiretaps in the future as technologies evolved. Since that time, many new communications technologies have arisen, including broadband Internet access, voice over IP telephony (VoIP), push-to-talk digital dispatch services, and other packet-mode services. Currently used by millions of American citizens, these services pose a significant challenge to state and local law enforcement in that many such providers of these communications services failed to voluntarily adopt currently available CALEA intercept solutions. Therefore, law enforcement has been thwarted in its attempts to implement lawfully authorized surveillance intercepts. Voluntary industry compliance with CALEA does not work.

Therefore, it is crucial and consistent with Congress's intent in enacting CALEA that the FCC initiate a rulemaking proceeding and adopt the rules proposed by the DOJ, the FBI, and the DEA in the aforementioned petition.

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Ms. Marlene H Dortch, Secretary

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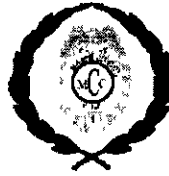
In addition, state and local law enforcement agencies lack the financial and/or personnel resources to develop costly ad hoc surveillance solutions for each new communications service, nor should they have to do this under the current law. For all equipment, services, and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves.

Enclosed is a copy of the resolution from the Major Cities Chiefs Association. It is crucial that the FCC promptly act upon the Petition and convene a rulemaking proceeding to adopt the DOJ's, FBI's, and DEA's proposed rules.

Sincerely,


LEE D DONOHUE
Chief of Police

Enclosure



MAJOR CITIES CHIEFS ASSOCIATION
201 N Charles Street – Suite 310 – Baltimore, Maryland 21201
410-433-8909 - 410-433-9010

**MAJOR CITIES CHIEFS
MAJOR COUNTY SHERIFFS**

JOINT RESOLUTION CALLING FOR NEW CALEA LEGISLATION

- ◆ WHEREAS Congress has recognized that court-ordered intercepts are an essential tool for law enforcement agencies; and
- ◆ WHEREAS Police Departments and Sheriffs' Offices conduct the majority of court-approved intercepts in the United States; and
- WHEREAS the Communications Assistance for Law Enforcement Act (CALEA) was enacted by Congress in 1994; and
- ◆ WHEREAS new technologies have been introduced over the past ten years that now thwart the efforts of law enforcement; and
- ◆ WHEREAS the purposes of CALEA are essential to Homeland Security and have yet to be realized; and
- ◆ WHEREAS the Major Cities Chiefs Association seeks to strengthen law enforcement services and ensure the availability of modern electronic intercept capabilities;

NOW, THEREFORE, LET IT BE RESOLVED THAT THE MAJOR CITIES CHIEFS AND MAJOR COUNTY SHERIFFS ASSOCIATIONS DO HEREBY JOINTLY

- ◆ COMMEND the Attorney General and the FBI for their assistance to State and local law enforcement; and
- ◆ REQUEST FROM THE FBI a formal report on the use of telecommunications by criminals and terrorists, and the status of CALEA implementation; and
- ◆ RECOMMEND TO CONGRESS that the Federal Communications Commission (FCC) should be required to consider the needs of Homeland Security, granted powers to require immediate compliance with CALEA and directed to refrain from approval of further extensions; and
- ◆ RECOMMEND TO CONGRESS that new legislation should be introduced to address the requirements of modern technology and to provide law enforcement agencies with the necessary tools to carry out the intent of CALEA.

Adopted by.

Major Cities Chiefs
February 10, 2004
Dallas, Texas